

CIRCULAR No. 87/2004/TT-BTC OF AUGUST 31, 2004

GUIDING THE IMPLEMENTATION OF EXPORT TAX, IMPORT TAX.

Pursuant to the December 26, 1991 Law on Export, Import Tax and the July 5, 1993 as well as the May 20, 1998 Laws Amending and Supplementing a Number of Articles of the Export Tax, Import Tax Law;

Pursuant to the Government's Decree No.54/CP of August 28, 1993, Decree No.94/1998/ND-CP of November 17, 1998 detailing the implementation of the Export, Import Tax Law and the Laws Amending and Supplementing a Number of Articles of the Export Tax, Import Tax Law.

CP of November 17, 1998 detailing the implementation of the Export Tax, Import Tax Law and the Laws Amending and Supplementing a Number of Articles of the Export Tax, Import Tax Law:

Pursuant to the Government's Decree No.101/2001/ND – CP of December 31, 2001 detailing the implementation of a number of the Customs Law's articles on customs procedures, customs inspection and supervision regimes;

Pursuant to the Government's Decree No. 60/2002/ND –CP of June 6, 2002 stipulating the determination of tax calculation prices for import goods under the principles of the Agreement on the implementation of Article 7 of the General Agreement on Tariff and Trade.

Pursuant to the Government's Decree No.57/1998/ ND –CP of July 31, 1998 detailing the implementation of the Commercial Law regarding activities of goods export, import, processing and trading agency with foreign countries and Decree No.44/2001/ ND – CP of August 2, 2001 amending and supplementing a number of articles of the Government's Decree No 57/1998/ND-CP of July 31, 1998;

Pursuant to the Government's Decree No. 24/2000/ND-CP of July 31, 2000 detailing the implementation of the Law on Foreign Investment in Vietnam and Decree No.27/2003/ND-CP the March 19, 2003 amending and supplementing a number of articles of DereeNo.24/2000/ND-CP of July 31,2000;

Pursuant to the Government's Decree No. 51/1999/ND-CP of July 8, 1999 detailing the implementation of the Domestic Investment promotion Law (amended) and Decree No.35/2002/ND-CP of March 29, 2002 amending and supplementing Lists A, B and issued in Appendices to Decree No, 51/1999/ND-CP of July 8, 1999;

Pursuant to the Government's Decree No.66/2002/ND/CP of July 1, 2002 prescribing the luggage quotas for people on exit and import gifts and presents, which are entitled to tax exemption ;

The Finance Ministry hereby guides the implementation of export tax as follows

A SCOPE OF APPLICATION

I - TAXABLE OBJECTS, TAX PAYERS

1. Taxable objects

The permitted export and import goods prescribed in Article 1 of the Government's Decree No.54/ CP of August 28,1993 are all subject to export tax, import tax, except for case inscribed in Section II, part A of this Circular.

2. Tax payers:

Organizations and individuals exporting, importing goods or taking the entrusted export, import of goods that belong to the subjects defined at Point 1, Section 1, Part A this Circular are export tax of import tax payers.

II OBJECTS NOT LIABLE TO EXPORT TAX IMPORT TAX

Export or import goods which are not liable to export or import tax after the customs procedures are carried out include:

1. Goods transited and transported on roads through the Vietnamese territory

2. Goods traded by mode of border – gate transshipment

3. Goods imported from overseas into export – processing zones, export – processing enterprises, tax- suspension warehouses, bonded warehouses, goods exported to foreign countries from export processing zones, export – processing enterprises, tax-suspension warehouses, bonded ware houses; goods transported from one export – processing zone, export – processing enterprise, tax-suspension warehouses or bonded ware houses within the Vietnamese territory; export and import goods transported into or out of duty-free zones under the Government's regulations

4. Humanitarian and goods.

B. TAX CALCULATION BASES

The bases for calculation of export tax, import tax shall be the goods volume, tax calculation prices and tax rates of the export, import goods items.

I. EXPORT, IMPORT GOODS VOLUMES

The export, import goods volume serving as basis for tax is the volume serving as basis for tax calculation is the volume of every goods item actually exported or imported.

II. TAX CALCULATION PRICES, TAX CALCULATION EXCHANGE RATES, TAX PAYMENT CURRENCY.

1- Tax calculation prices shall be calculated in Vietnam Dong as follows:

1.1- For goods exported or imported under goods trading contracts:

1.1.1 For export goods: They are the prices of goods sold to customs at export border-gates (FOB prices), exclusive of insurance cost (I) and freight (F). The basis for determining the prices of goods sold to customers shall be the goods trading contracts containing all principal contents prescribed by the Commercial Law, compatible with lawful and regular vouchers related to the goods trading;

1.1.2 For import goods

1.1.2.1. For goods imported under goods trading contracts and subject to the application of the Finance Ministry's Circular No. 118/2003/TT-BTC of December 8, 2003 guiding the Government's Decree No.60/2002 /ND-CP of June 6, 2002 stipulating the determination of the taxable value of import goods under the principles of the Agreement on implementation of Article 7 of the General Agreement on Tariff and Trade, the tax calculation prices shall be determined under the guidance in the above – mentioned Circular No. 118/2003/TT-BTC

1.1.2.2 For goods imported under goods trading contracts and not subject to the application of the Finance Ministry's Circular No. 118/2003/TT-BTC of December 8, 2003, the tax calculation prices are the actual payable prices already paid or to be paid by the purchasers to the sellers for import goods. The General Department of Customs shall guide in detail the determination of tax calculation prices stated at this Point.

1.1.2.3. Some special cases guided additionally as follows:

1.1.2.3.1 For hired machinery, equipment, transport means, the import tax calculation prices are the machinery, equipment, transport means rentals actually paid under contracts signed with the foreign parties in accordance with lawful and regular vouchers related to the hire of machinery, equipment, transport means

1.1.2.3.2. For machinery, equipment, transport means taken abroad for repair, the prices for calculation of tax upon their import back in to Vietnam shall be the repair costs actually paid under contracts signed with the foreign parties in accordance with lawful and regular vouchers related to the repair of machinery, equipment, transport means.

The actually paid rents of actually paid repair costs mentioned at Points 1.1.2.3.1 and 1.1.2.3.2 above, if not yet inclusive of freight (F) and insurance cost (I), must be added with the foreign and insurance cost in order to determine the import tax calculation prices. In cases where the import goods are covered with insurance and transport services provided by enterprises operating in Vietnam, the import tax calculation prices are exclusive of value added tax on insurance cost (I) and freight (F).

1.1.2.3.3 For import goods accompanied with warranty goods under goods trading contracts (including cases of late consignment) whose prices inscribed in the goods trading contract are not calculated separately for the warranty goods value

1.1.2.3.4 For import goods entitled to tax exemption or temporary tax exemption, which were put to use in Vietnam, then permitted by competent State bodies for sale or change of purpose of tax exemption, temporary tax exemption, and therefore subject to tax payment, the import tax calculation prices shall be determined on the basis of the remaining goods value calculated according to the time of being used and kept in Vietnam (counting from the time of their import to the time of tax calculation) and determined specifically as follows:

When imports are brand – new goods:

The time of being used and kept in Vietnam	The import tax calculation price=(%) of the price of the brand – new goods at the time of tax calculation
6 months of less (rounded to 183 days)	90%
Between over 6 months to 1 year (rounded to 365 days)	80%
Between over 1 year and 2 years	70%
Between over 2 years and 3 years	60%
Between over 3 years and 5 years	50%
Over 5 years	40%

- When import are used goods:

The time of being used and kept in Vietnam	The import tax calculation price=(%) of the price of the brand – new goods at the time of tax calculation
Between 6 months or less	60%
Between over 6 months and 1 years	50%
Between over 1 year and 2 years	40%
Between over 2 years and 3years	35%
Between over 3 years and 5 years	30%
Over 5 years	20%

1.2 For goods exported or imported not under goods trading contracts or under contracts which are improper according to the provisions of the Commercial Law, the export or import tax calculation prices shall be prescribed by the local Customs Department. The General Department of Customs shall guide in detail the methods of determining the tax calculation prices on the principle of compatibility with the transaction prices on the market in order to combat trade frauds through prices

2. Tax calculation exchange rates

The exchange rates used as basis for determining the prices for calculation of tax on export, import goods shall be the average transaction exchange rates on the inter – bank foreign currency market, publicized by the State Bank of Vietnam and published on Nhan

Dan daily. In cases where it falls on the days when the Nhan dan daily is not published (or where the exchange rates are not published on the Nhan Dan daily) or the information cannot reach the border gates in the day, the tax calculation exchange rate of that day shall be that of the preceding day.

For foreign currencies not transacted on the inter – bank foreign currency market, the exchange rates shall be determined on the principle of the average cross exchange rate between the US dollar (USD) and Vietnam dong on the inter – bank market and the exchange rate between the US dollar and other foreign currencies on the international market, which are publicized by the State Bank of Vietnam.

3 Tax payment currency

The export and import tax shall be paid in Vietnam dong. in cases where tax payers wish to pay tax in foreign currencies, the payment must be made in the freely convertible foreign currencies publicized by the State Bank of Vietnam

III. TAX RATES

1. Export tax rates

The export tax rates are specified for every goods item in the Export Tax Tariffs

2. Import tax rates

The import tax rates shall include preferential tax rates, especially preferential tax rates and ordinary tax rates, concretely as follows:

2.1 Preferential tax rates are the tax rates applicable to import goods originated from countries of groups of countries which have reached agreements on most – favored – nation treatment in trade relations with Vietnam.

Preferential tax rates are specified for every goods item in the Preferential import Tariffs.

Conditions for application of preferential tax rates:

- Import goods must have certificates of origin (C/O) from countries which have reached agreements on most favored nation treatment in trade relations with Vietnam. Such countries or groups of countries or groups of countries which have reached agreements on most favored nation treatment in trade relations with Vietnam

- The certificates of origin (C/O) must be compliant with current law provisions

2.2 Specially preferential tax rates are the tax rates applicable to import goods originated from the countries or groups of countries which have reached agreement with Vietnam on especially preferential import tax rates under the institution of free trade areas tariff alliance, or aiming to facilitate border trade exchanges and other cases of especially preferential treatment. Specially to every goods item according to the provisions of the agreements

Conditions for application of especially preferential tax rates

- Import goods must have certificates of origin (C/O) from the countries which have reached agreements with Vietnam on especially preferential import tax rates. The C/O must be compliant with current law provisions

- The import goods must be items specified in the lists of goods entitled to especially preferential tax rates for each country or group of countries publicized by the Government or the Government – authorized agencies

- Other conditions (if any) for application of specially preferential tax rates shall comply with the specific provisions in separate guiding documents applicable countries or groups of countries with which Vietnam has made commitment on specially preferential tax rates.

In cases where the C/O cannot be produced as required when the customs procedures are carried out, the customs offices still calculate tax at the preferential tax rates or specially preferential tax rates according to the commitments and declarations by the tax payers. Within 60 days as from the date of registering the import goods declarations by the tax payers must produce the C/Os as prescribed to the customs offices. In case of failure to produce C/Os according to regulations, the customs offices shall re-calculate tax and sanction the violations according to current regulations.

2.3 Ordinary tax rates are the tax rates applicable to import goods originated from countries with which Vietnam has not reached agreements on most favored nation treatment or on especially preferential import tax rates.

The ordinary tax rates is 50% (fifty percent) higher than the preferential tax rates of each goods item specified in the Preferential Import Tax and is calculated as follows.

The ordinary tax rate = the preferential tax rates + (the preferential tax rates x 50%)

2.4 Import goods in number of cases must be subject to additional tax (according to Article 1 of the May 20, 1998 Law amending and supplementing a number of articles of the Export Tax, Import Tax Law)

The additional tax, the tax rates under tariff quotas, the absolute tax shall comply with separate guiding documents

C. EXPORT/IMPORT GOODS DECLARATION, REGISTRATION AND TAX PAYMENT

i. Export/import goods declaration

Organization and individuals having export, import goods must fully and accurately declare the law-prescribed contents, submit export/import goods declaration and submit/produce relevant dossiers to the customs offices which carry out the procedures for goods export, import.

II. Tax calculation time and tax notification time limit

1. The time for calculation export tax, import tax should be the date the tax payers register the export, import goods declarations with the customs offices as provided for by the Customs Law. In cases where tax payers make electronic declarations, the tax calculation time

shall be the date the customs offices supply the automatic declaration numbers from the system (hereinafter called the date of registering export, import goods declaration for short).

The export tax, import tax shall be calculated according to the tax rates, tax calculation prices, tax calculation exchange rate of the date of registering the export, import goods declarations. If past 15 days as from the date of registering the export goods or import goods are not available, the already registered export, import goods declarations shall be invalid for carrying out the procedures for export, import goods. When the actual export, import goods are available, the tax payers must re-start the procedures for declaration and registration of export, import goods declarations; the tax calculation time shall be the date of subsequent declaration registration.

Where tax payers make declaration before the date of registering the export, import goods declarations, the tax calculation exchange rates shall be the exchange rate on the date the tax payers made the declarations.

2. Tax notification time limit is specified as follows:

Within 8 working hours as from the time the tax payers register their export, import goods declarations, the customs offices must notify them of the payable tax amounts.

For case where expertise of the technical standards, quality, volume, categories is required to ensure the accurate tax calculation (such as the identification of goods appellations, commodity codes under the tax tariffs, the quality, the quantity, technical standards, used of brand-new import goods...) the customs offices shall still issue notices on payable tax amount according to tax payer's declarations within 8 working hours as from the time the tax payers register the export, import goods declarations, thus leading to changes in the payable tax payable amounts, the tax payers must pay tax according to the expertise results.

Upon the availability of the expertise results leading to the changes (if any) in the payable tax amounts, the customs offices shall issue notices readjusting the initial notices within 8 working hours as from the time of receiving the expertise results. The expertise costs shall be paid by the customs offices if they request the expertise or by tax payers if they request the expertise.

III. Export tax, import tax payment time limits

1. For export goods, it is 15 days as from the date the tax payers receive the customs offices' tax notice on payable tax amounts.

2. For goods being supplies, raw materials imported for direct production of export goods, it is 9 months (rounded to 275 days) as from the date the tax payers receive the customs offices tax notices on payable tax amounts.

2.1. Conditions for application of the 9-month tax payment time limit for supplies and raw materials imported for direct production of export goods must include:

- The written registration of supplies and/or raw materials imported for direct production of export goods;

- The tax payers do not owe overdue debts (at the time of importation) under the provisions of the Export Tax, Import Tax Law, except for the cases where the overdue debts of import goods are owed but the products have been actually exported and the tax payers have fully submitted the dossiers requesting the tax reimbursement within the prescribed time limit (including cases where the customs offices have not yet carried out the settlement procedures).

Basing themselves on the prescribed dossiers, the customs offices which carry out the import procedures shall issue notices on 9-month tax payment time limit to the tax payers and at the same time monitor the debts owed by the tax payers in order to settle the tax debts upon the actual exportation of products.

For a number of special cases where the enterprises' production, supplies and raw material-reserving cycles are longer than 9 months such as building ships, boats, manufacturing machinery, mechanical equipment, the tax payment time limits may be longer than 9 months. The tax payers shall submit their written explanations for the local Tax Departments to consider and decide on a case-by-case basis.

2.2 By the expiry of the applicable 9-month or 9 month-plus tax payment time limit at the latest, the tax payers must carry out the procedures for settlement of the tax debts with customs offices. If the past tax payment time limits, the tax payers can export their goods or cannot export their goods according to the goods export contracts already registered with the customs offices, they shall be sanctioned for late tax payment concretely as follows:

- For the volume of raw materials, supplies imported for use in the production of products under the goods export contracts registered with the customs offices but the products are not exported, the late tax payment sanction shall be calculated from the 31st day after the receipt of the customs offices' tax notices to the date of actual tax payment.

- For the volume of imported raw materials, supplies already used in the production of products which were actually exported beyond the tax calculation in time limits, the late tax payment sanction shall be calculated from the date after the tax payment deadline stated in the customs offices' notices to the date of actual tax payment.

- Where the tax payers are entitled to the application of 9-month or 9-month-plus tax payment time limit but fall to export their products or export them beyond the tax payment time limits and shall be refunded the paid tax amounts upon the actual exportation of the products) and be sanctioned as mentioned above, and besides, shall also be sanctioned for administrative violation in the tax domain according to current regulations.

Tax payers shall not continue enjoying the application of the 9 month (or 9 month-plus) tax payment time limit to subsequent goods lots if they still owe tax debts, late payment fines and administrative violation fines. When they fully pay their tax debts, late payment fines and administrative violation fines according to the tax collecting agencies' notices, they shall continue enjoying the application of the 9-month (or 9 month-plus) tax payment time limit to subsequent goods lots of raw materials and/or supplies imported for direct production of export goods.

3. Where goods are traded by mode of temporary export for re-import or temporary import for re-export, the tax payment time limit shall be 15 days after the expiry of the time

limits permitted by competent bodies for temporary export re-import or temporary import for re-export (applicable also to cases of extension) according to the Trade Ministry's regulations.

4. For consumer goods, tax must be completely paid before the reception of goods (the list of consumer goods shall comply with the Trade Ministry's regulations), except for the following cases:

4.1. Where the tax payers have their payable tax amount underwritten, the tax payment time limit shall be 30 days as from the date the tax payers receive the customs offices' notices on payable tax amounts, provided that:

- The underwriting subjects must be credit institutions or other organizations licensed to conduct a number of banking operations under the provisions of the Law on Credit Institutions and the Law amending and supplementing a number of articles of the Law on Credit Institutions.

- The underwriting contents must clearly state the names of the underwriting organizations, the names of the underwritten tax amounts, the underwriting duration and the underwriting subjects' commitments.

Basing themselves on the underwriting papers of the underwriting organizations, the customs offices where the import procedures are carried out shall issue notices on the tax payment time limit of 30 days for the tax payers for the underwritten tax amounts.

If past the tax payment deadlines stated in the tax notice of the customs offices the tax payers fail to pay tax according to the regulations, the customs offices shall request the underwriting organizations to pay the tax amounts into the State budgets for the underwritten subjects strictly according to the Law on Credit Institutions and the documents guiding the implementation thereof. At the same time, the underwriting organizations must pay fines for late tax payment as from the date the tax payers receive the customs offices tax notice on payable tax amounts. If past the 90-day tax payment time limit, the underwriting organizations still fail to pay tax into the state budget, the customs offices may request the agencies directly managing the underwriting organizations to blockade the latter's accounts until the tax and the amounts are fully collected.

4.2. Where the consumer goods are imported indirect service of security, defense, scientific research or education and training, and are entitled to import tax exemption consideration, the tax payment time limit shall be 30 days continuing from the date the tax payers receive the customs offices' tax notice on payable tax amounts.

4.3. Where import goods are on the Trade Ministry-prescribed lists of consumer goods but are supplies, raw materials imported for direct use in production, the 30-day (or 275 day) tax payment time limit (for goods being supplies, raw materials imported for direct production of export goods) shall apply as from the date the tax payers receive the customs offices' tax notice on payable tax amounts. On the basis of the dossier sets, the results of inspection of actual import goods lots and the written commitments of the tax payers on the use of raw materials, supplies imported for the direct use in production, the local Customs Departments shall issue tax notices according to regulations. In cases where frauds are detected, apart from the late tax payment fines calculated according to the tax payment deadlines of the import consumer goods, the tax payers shall also be handle according to law provisions.

5. For non-commercial export, import goods; export, import goods of border residents, the tax payers must completely pay tax before exporting goods to foreign countries or importing goods into Vietnam.

6. For import goods not subject to tax payment under the provisions at Points 2, 3, 4 and 5 above the tax payment time limit shall be 30 days as from the date the tax payers receive the customs offices' tax notices on payable tax amounts.

7. For import goods with different tax payment time limits, separate import declarations must be made according to different tax payment time limits.

8. Where export, import goods are still being under the supervision by the customs offices, but temporarily seized by competent State agencies for investigation and handling, the tax payment time limit for each kind of goods shall comply with the provisions the Export Tax, Import Tax Law and be counted from the date the competent State agencies issue documents permitting the release of temporarily seized goods.

D. Tax exemption, consideration of tax exemption, tax reduction

I. Tax exemption

Organizations and individuals when exporting or importing goods falling into the cases of tax exemption prescribed in Article 12, Decree No.54/CP of August 28, 1993 of the Government including:

1. Non-refundable aid goods under aid projects or agreement and foreign organizations or written aid agreement or aid notification (including also cases where non-refundable aid goods are supplies by import bid winning units to the projects);

2. Temporary import-re export goods, temporary export-re import goods for participation in trade fairs, exhibitions;

3. Goods being moved properties shall be exempt from tax according to the following norms:

- For moved properties of foreign organizations, individuals when they are permitted to enter Vietnam for mission or work, the guidance in Joint Circular No.04/TTLB of February 12, 1996 and No 04/BS/TTLB of October 20, 1996 of the Ministry of Trade, the Ministry of Foreign Affairs, the Ministry of Finance and the General Department of Customs.

- For goods being moved properties of Vietnamese organizations, individuals, who are permitted to be brought abroad for business or work, tax exemption shall apply to properties brought back into the country at the end of their business or working duration.

- A number of consumer goods items (such as cars, motorbikes, television sets, refrigerators, air conditioners, audio systems being in use) of

Vietnamese families or individuals residing overseas, of foreigners who are allowed to settle in Vietnam shall be exempt from import tax with a unit for each item family (or individual).

4. Export, import goods within the tax-free luggage norms of passengers on exit or entry at Vietnamese border gates as provided for in the Government's Decree No.66/2002/ND-CP of July 1, 2002 prescribing the luggage norms of people on exit, entry and import gifts, presents, which are exempt from tax.

5 For export, import goods of foreign organizations or individuals that enjoy privileges and immunities in Vietnam under Vietnamese laws and in accordance with the international conventions which Vietnam has signed or acceded to, the Ordinance on privileges and immunities reserved for diplomatic missions, consulates and representative office of international organizations in Vietnam and the guidance in Joint Circular No. 04/TTLB of February 12, 1996 and No. 04/BS/TTLB of October 20, 1996 of the Ministry of Trade, the Ministry of Foreign Affairs, the Ministry of Finance and the General Department of Customs shall apply.

6. For goods exported or imported in service of export processing for foreign parties under signed processing contracts (made in strict accordance with the provisions of the Government's Decree No. 57/1998/ND-CP of July 31, 1998 detailing the implementation of the Commercial Law regarding activities of goods export, import, processing, trading agency with foreign countries), tax exemption shall apply to the following cases:

- Raw materials imported for processing;
- Supplies used in the production, processing process (papers, chalk, painting brushes, makers, cloth pins, printing ink, glue brushed, screen-printing frames, erasing crepe, varnish...), if enterprises can set their consumption norms;
- Goods used as models for processing;
- Machinery, equipment imported in direct services of processing as agreed in the processing contracts. Upon the expiry of the processing contracts, they must be re-exported; if not, they must be declared for tax payment;
- Processed products exported for return to foreign parties (if with export tax);
- Discarded materials, faulty products destroyed under the customs officers' supervision;
- Finished products supplied by the processed for affixture to processed products or packing together with processed products into complete goods to be exported to foreign countries shall be exempt from tax, like raw materials or supplies imported for processing, if they satisfy the following conditions: (i) They are expressed in the processing contracts or the annexes thereof; (ii) the table of norms of import raw materials, supplies used for the processing purpose must include the norms of these finished products; (iii) they are managed like raw materials or supplies imported for processing.

Director of processing enterprises shall bear responsibility for the use on imported raw materials and/or supplies for the processing purpose; the norms of actual consumption of raw materials, supplies imported for processing. If committing violations, they shall be handled according to law provisions.

Machinery, equipment, raw materials, supplies, processed products paid by foreign parties as processing charges, when imported, shall be subject to import tax according to regulations.

The tax management and liquidation process applicable to import raw materials, supplies and export processed products shall comply with the Finance Ministry's separate documents on customs procedures for goods imported under processing contracts with foreign parties.

7. Machinery, equipment, transport means imported into Vietnam by foreign contractors by mode of temporary import for re-export in service of construction of works, projects financed with official development assistance (ODA) sources shall be exempt from import tax and export tax upon their re-export. At the end of the duration for construction of works, projects, the foreign contractors must re-export the above-mentioned commodities. If they are not re-exported but liquidated, sold in Vietnam, such must be permitted by competent State bodies and they must be declared for import tax payment according to regulations.

Particularly for cars of under 24 seats and vehicles designed for passenger-cum-cargo transportation, equivalent to cars of under 24 seats the form of temporary import for re-export shall not apply. Foreign contractors wishing to import them into Vietnam for use must pay import tax according to regulations. Upon the completion of the work construction, the foreign contractors must re-export the imported vehicles and shall be refunded the paid import tax. The tax refunding levels and procedures shall comply with the provisions of Point 1.11, Section I, Part E of this Circular.

The local Customs Departments shall base themselves on the above provisions to organize the implementation of tax exemption on a case-by-case basis. When effecting the tax exemption for cases mentioned at Points 1,2,3,5 and 7, the customs offices must issue decisions on tax exemption for case by cases and organize the archival of dossiers according to regulations. When tax exemption decisions are issued, the customs offices must liquidate the exempted import tax amounts and clearly inscribe on the export, import goods declarations: "Goods exempt from tax under Decision No..., day... month... year... of..."

II. Tax exemption consideration

Organizations and individuals, when exporting or importing goods entitled to tax exemption consideration must fully have the following prescribed dossiers:

1. For import goods used exclusively in direct service of security, defense:

- The tax exemption consideration requests of the managing ministries;
- The detailed lists with quantities, categories of import goods used exclusively in direct service of security, defense, approved by the managing ministries' leaderships, already registered and consulted with the Finance Ministry at the beginning of the year (annually by March 31 at the latest, the managing ministries must register the import plans);
- The declarations of import goods already gone through the customs procedures;
- The tax notices of the customs offices;

- The contracts on import or entrusted import (if goods are imported under entrustment) or bid-winning notifications enclosed with the contracts on goods supply (if goods are imported in form of bidding, the payment prices are exclusive of import tax).

1.2. Import goods used exclusively in direct service of scientific research:

- The written tax exemption consideration requests of the units conducting the scientific research;

- The scientific research subject dossiers shall include:

+ Decisions approving the research subjects, issued by competent State bodies;

+ Lists of goods to be necessarily imported for materialization of the research subjects, approved by the authorities that have approved the subjects.

- The declarations of import goods already cleared from the customs procedures;

- The tax notices of the customs offices;

- The contracts on import or entrusted import (if goods are imported under entrustment) or bid-winning notifications enclosed with the contracts on goods supply (if goods are imported in form of bidding, the payment prices are exclusive or import tax).

1.3. Import goods used exclusively in service of education and training:

-The tax exemption consideration requests of the units performing the work of education and training;

- Decisions approving the projects on investment of equipment and facilities under the projects, approved by authorities that have approved the projects;

- The declarations of import goods already cleared from customs procedures;

- The tax notices of the customs offices;

- The contracts on import or entrusted import (if goods are imported under entrustment) or bid-winning notifications enclosed with the contracts on goods supply (if goods are imported in form of bidding, the payment prices are exclusive of import tax).

On the basis of the prescribed dossiers, the General Department of Customs shall consider and issue decisions on tax exemption for the cases prescribed at Point 1.1.; the local Customs Departments shall consider and issue decisions on tax exemption for the cases prescribed at Points 1.2, 1.3. The customs offices which carry out the import procedures shall base themselves on the tax exemption decisions of the General Department of Customs or local Customs Departments to inspect and compare them with the original dossiers of the import goods lots for effecting the liquidation of the exempted import tax amounts and clearly inscribe on the import goods declarations: “Goods exempt from tax under Decision No... day... month... year... of...”

2. Import goods of foreign-invested enterprises or business cooperation parties under the Law on Foreign Investment in Vietnam shall comply with the Government's Decree No. 24/2000/ND-CP of July 31, 2000 detailing the implementation of the Law on Foreign Investment in Vietnam and Decree No. 24/2000/ND-CP of July 31, 2000 and documents guiding the implementation thereof.

Where enterprises enjoy the import tax exemption preference but do not import goods from foreign countries and, instead re-purchase duty-free import goods of foreign-invested enterprise or business cooperation parties which are allowed to sell them in Vietnam, the enterprises shall be allowed to receive such goods for creation of their fixed assets eligible for import tax exemption under the Law on Foreign Investment in Vietnam and the current guiding documents, and at the same time import tax shall not be retrospectively collected from the enterprises allowed to sell goods. These goods must be deducted (in terms of their volume, value) from the duty-free goods lists approved for the enterprises by competent State bodies.

3. Import goods of domestic investors under the Domestic Investment Promotion Law (amended) shall comply with the provisions of the Government's Decree No. 51/1999/ND-CP of March 29, 2002 amending and supplementing lists A, B and C issued in Appendices to Decree No. 51/1999/ND-CP of July 8, 1999 and the current guiding documents.

Where the enterprises are entitled to import tax exemption preference but do not import goods from foreign countries and instead re-purchase goods already exempt from import tax of domestic enterprises which are allowed to sell them in Vietnam, the enterprises shall be allowed to receive such goods for creation of their fixed assets eligible for import tax exemption under the Domestic Investment Promotion Law (amended) and the current guiding documents and at the same time the import tax shall not be retrospectively collected from the enterprises which are allowed to sell the goods. These goods must be deducted (in terms of their volume, value) from the duty-free goods lists approved for the enterprises by competent State bodies.

4. For goods being gifts, presents

Goods being gifts, presents which are entitled to export, import tax exemption consideration are goods permitted to be exported or imported, including the following specific tax exemption consideration cases and norms:

4.1. For export goods:

- Organizations' or individuals' goods permitted to be exported from Vietnam for use as gifts and presents to organizations and/or individuals in foreign countries.

- Goods of foreign organizations and/or individuals, which are donated as gifts or presents by Vietnamese organizations and/or individuals when they enter Vietnam for working, tourism, visit to relatives, shall be allowed to be exported to foreign countries.

- Goods of Vietnamese organizations permitted to be exported for display at fairs or exhibitions or for advertisement; then donated as gifts or presents to organizations, individuals in foreign countries.

- For organizations and/or individuals sent aboard by the State for working trips, study or Vietnamese going abroad as tourists, apart from the personal exit luggage norms, if bringing along goods to be given as gifts or presents to foreign organizations or individuals, they shall also be entitled to enjoy the export tax exemption consideration norms for such gifts and presents.

The norms for goods being gifts and presents entitled to export tax exemption consideration: The goods lot value does not exceed VND 30 million for an organization or VND one billion for an individual.

4.2. For import goods:

4.2.1. Goods being gifts, presents of organizations and/or individuals overseas donated to Vietnamese organizations with a value not exceeding VND 30 million shall be considered for tax exemption.

4.2.2. Goods being gifts, presents of organizations or individuals overseas, which are donated to Vietnamese individuals with a value not exceeding VND one million or with a value exceeding VND one million but the total payable tax amount being under VND 50,000, shall be entitled for tax exemption consideration. In cases where goods are inscribed as gifts to individuals but actually presented to organizations (with certification of such organizations) and such goods are managed and used by such organizations, the applicable tax exemption levels shall be the same

as those prescribed for goods being gifts, presents of organization and/or individuals overseas donated to Vietnamese organization.

4.2.3 For goods of foreign organizations or individuals, which are permitted for temporary import into for participation in trade fairs, exhibition Vietnam for use as sample goods for advertisement but then not re-exported and, instead, used as gifts, presents, souvenirs for Vietnamese organizations or individuals, they shall be considered for tax exemption in the following specific cases:

- Goods used as gifts, souvenirs to visitors to trade fairs, exhibitions with a low value of VND 50,000 (fifty thousands)/piece or less and the total value of the import goods lots used as gifts presents not exceeding VND 10 million.

Goods being separate equipment, single products, which are presented by goods owners to domestic organizations for use as models for research into production thereof, regardless of their high or low value.

4.2.4 Goods for foreign organizations, individuals, which are permitted for import into Vietnam for use as prizes in sport. Cultural or art competitions...shall be considered for exemption of tax on goods used as prizes with value not exceeding VND two million/prize (for individuals) and the total value of goods lots imported for use as prizes in kind.

4.2.5 For foreigners allowed to enter Vietnam apart from the personal luggage norms, the goods brought along for use as gifts, presents or souvenirs to Vietnamese organizations or individuals with a value not exceeding VND one million shall also be considered for tax exemption.

4.2.6 Goods of subjects entitled to temporary tax exemption, which are not re-exported but permitted by competent State bodies for use as gifts or presents to Vietnamese organization and/ or individuals, the norm of goods being gifts, presents to be considered for exemption shall not exceed VND 30 million for organization and VND one million for individuals.

4.2.7. Sample goods sent from overseas by organization and/or individuals to Vietnamese organization and/or individuals and vice versa shall comply with tax exemption consideration norms of goods being gifts, presents, which do not exceed VND 30 million for organization and VND one million for individuals.

4.3 being gifts, presents with a value exceeding the tax exemption consideration norms prescribed above shall be subject to the payment of tax for the excessive volume, except for the following cases where tax exemption shall be considered for the whole goods lot value.

4.3.1 Gift, present-receiving units being administrative and non-business units, social and mass organizations operating with State budget allocations, if being allowed by their superior managing agencies to receive such things for, shall be considered for tax exemption on a case-by-case basic in this case, the units must inscribe the asset increase of budget allocations including tax, value of the lots of goods being gifts, presents and must manage and use them strictly according to the current regulations on management of office properties procured from budgets allocations.

4.3.2 The lots of goods being gifts, presents for humanitarian, charity or scientific research purposes.

4.3.3 Overseas Vietnamese send curative medicines to their relatives in Vietnam being members of families with meritorious services to the revolution, wars invalids, war martyrs, aged persons without anyone to support, with certifications of the location administrations.

4.4 The value of goods being gifts, presents shall be determined as follows:

4.4.1 For export goods: it is the value inscribed in the invoices strictly accordingly to the current regulations. In cases where the invoices are not available, the local customs Department shall determine the goods value, based on the goods owners' declaration compatible with the market transaction value.

4.4.2 For import goods: it is the import goods value exclusive of import tax and determines under the guidance in Part B on this Circular:

4.5 Tax exemption consideration procedural dossiers

The procedural dossiers for consideration of organization or individuals that are given the gifts, presents, sample goods shall include:

- The written requests for tax exemption consideration of organization or individuals that are given the gifts or presents;
- The notice, decisions or agreements on donation of gifts, presents, written notices or agreements on consignment of sample of goods;

- The declaration of exports goods, import goods which have gone through the customs procedures;
- The tax notice of the customs offices;
- The local administrations' written certifications (for cases specified in 4.3.3 above).

Where goods are gifts, presents or sample goods, which are carried by forwarding enterprises which also carry out the customs procedures therefore, apart from procedural dossiers listed above, there must also be the gift, presents or sample goods-receiving o' or individuals letters of authorization of the forwarding enterprises to carry, and fill in the customs procedures for, such goods.

Where goods are entitled to temporary tax exemption, are not re-exported but permitted by competent State bodies for use as gifts of presents to Vietnamese organization and/or individuals, the tax exemption consideration procedural dossiers shall include: (i) The written request for tax exemption consideration; (ii) The invoice or ex-warehouse bill on the goods lot of gifts, presents; (iii) The gift, present delivery and reception record between the donor and the donee.

Basing themselves on the above dossiers and provision the local customs departments shall consider and issue decisions on tax exemption for goods lots of gifts, presents of foreign organizations, individuals to Vietnamese individuals and vice versa. Particularly for cases mentioned in 4.3.1 and 4.3.2 above, the General Department of Customs shall consider and handle them specifically.

On the basic of tax exemption decisions, the customs offices which have carried out the goods import procedures must liquidate the exempted tax amounts and clearly inscribe on the export, import goods declarations: goods exempt from tax under Decision No....day...month...year...of...”.

5. For goods imported for sale at duty-free shops: The customs officers shall manage them according to the regulations on the management and supervision of goods imported for duty-free sale in the regulation on Duty-free Shops, issued together with the Prime Minister's Decision No. 205/1998/QD-TTg of October 19, 1998 and Decision No. 206/2003/QD-TTg of October 7, 2003.

Where sale promotion goods, experimental goods are supplied free of charge by foreign parties to duty-free shops for sale together with goods sold at duty-free shops, the above mentioned sale promotion goods, experimental goods are all subject to supervision and management by the customs offices like goods imported for sale at duty-free shops.

The local customs departments shall organize the tax exemption and manage the goods on duty-free according to the provisions of this point

III TAX REDUCTION CONSIDERATION

For export goods, import goods which are damaged or lost for plausible reasons during the course of transportation or loading as well as unloading (goods still being under the customs offices' supervision and management according to the current provisions of the Customs Law and the documents guiding the implementation thereof), the local Customs

Department shall consider and issue decisions on tax reduction, based on the expertised loss or damage extents and relevant dossiers.

E. TAX REIMBURSEMENT RETROSPECTIVE COLLECTION OF TAX

I. TAX REIMBURSEMENT

1. Cases entitled to tax reimbursement consideration

For cases where tax has been paid, to be entitled to tax reimbursement consideration under Article 16 of the Government's Decree No. 54/CP of August 28, 1993, organizations and/ or individuals must fully possess the following papers:

1.1 For import goods with tax already paid, which are still kept in warehouse, storing yards under the customs offices' supervisions and are allowed for re-export, there must be:

- The written request for reimbursement of paid import tax;
- The import tax declaration with tax calculation by the customs office;
- The export goods declaration already cleared from the customs procedures, with the customs office's certification that the goods stated in the import goods declaration are still kept in warehouses or storing yards at the border gates or the goods still being under the customs office's supervision are actually exported;
- The tax notice; tax payment vouchers.

1.2 For export goods with the export tax already paid, which are not exported, there must be:

- The written request for reimbursement of paid export tax;
- The export goods declaration with the customs office's certification that the goods are not exported;
- The tax notice; tax payment vouchers

1.3 For goods with export tax, import tax already paid, which were, however, exported or imported less, there must be:

- The written request for reimbursement of paid export or import tax;
- The export or import goods declarations already cleared from customs procedures;
- The tax notice; tax payment vouchers
- Goods sale, purchase invoices under goods trading contract.

1.4 For import goods with their quality, specifications, grades being incompatible with the goods trading contracts signed with the foreign parties that are at fault by sending them mistakenly with the examination of competent State bodies and foreign goods owners' certifications, the local Customs department shall base themselves on the results of inspection of the actual imported goods and compare them with the State' current regulations to consider and decide to permit the goods importation or compel the re- export; and at the same time recalculate the payable import tax amounts for collection of tax suitable to the actually imported

goods in cases of changes in tax rates, tax calculation prices. If enterprises have paid the import tax in excess of the import tax amounts recalculated according to the actually imported goods, they shall be reimbursed the overpaid tax amounts.

The dossiers of request for reimbursement include:

- The written request for reimbursement of the overpaid import tax amount;
- The result of a competent State body's expertise of import goods;
- The foreign goods owner's certification of consignment of goods at variance with the contract;
- The import goods declaration clearly inscribed with the goods inspection result and dossiers related to the importation of the goods lots;
- The tax notice, tax payment vouchers;
- Vouchers of via – bank payment for the import goods lots.

1.5 For mistakes made in tax calculation declaration (by tax payers or customs offices), the overpaid tax amount shall be reimbursed, within one year dated back (from the date of registering the export, import goods declaration to the date of detecting the mistakes). A dossier of request for tax reimbursement shall consist of:

- The written request for reimbursement of the overpaid export, import tax amount;
- The export, import goods declaration (enclosed with relevant export, import dossiers)
- The tax notice, tax payment vouchers

1.6 For goods being raw materials, supplies imported for production of export goods, the tax reimbursement shall correspond to the export proportion of finished products, being determined specifically as follows:

1.6.1. Raw materials, supplies entitled to import tax reimbursement include:

- The import raw materials, supplies (including assembly components, semi- finished products, packages), which directly constitute components of the export products;
- Raw materials, supplies which are used directly in the process of producing export goods but are not directly transformed into goods or do not constitute components of the products, such as paper, chalk, painting brushes, markers, cloth pins, printing ink, glue brushes, glue brooms, screen – printing frames, erasing crepe, varnished...

1.6.2. Tax reimbursement consideration cases shall include:

1.6.2.1. Enterprises importing raw materials and/ or supplies for production of export goods or organizing the hiring of domestic processing (including the hiring of processing at export processing enterprises, export processing zones and other areas allowed for tax exemption according to the Government's regulations; or processing overseas; or the case of joint production of export goods) and receiving back products for export. The procedural dossiers shall each consist of:

- The enterprise's written request for reimbursement of import tax on raw materials and/or supplies imported for production of export goods, clearly stating the volume and value of raw materials and/ or supplies imported and already used for production of export goods; the paid import tax amount; the volume of export goods, the import tax amount requested for reimbursement;

- The list of actual consumption levels of imported raw materials and/ or supplies of a product unit.

- The goods declaration of imported raw materials, supplies already gone through customs procedures; the import contract;

- The tax notice, tax payment vouchers

- The declaration of export goods already gone through customs procedures; the export contract;

- the contract on entrusted export or import, if it is the form of entrusted export or import;

- the via-bank payment vouchers for export goods lots;

- the contract on joint production of export goods, if it is the case of joint production of export goods.

Where enterprises deliver raw materials, supplies to export-processing enterprises or foreign parties for processing then receive products for production and/or export, apart from the above-mentioned papers, the following papers must be added:

- the goods declaration of export raw materials, supplies for processing; the goods declaration of import products from export-processing enterprises or foreign parties.

- Tax payment vouchers (for import processed products).

- The processing contract signed with the export-processing enterprise or foreign party.

1.6.2.2 For enterprises importing raw materials, supplies for production of domestically consumed goods and later finding export outlets(the permitted maximum duration is 2 years counting from the date of registering the import raw materials, supplies declarations), then putting such materials and/or supplies into the production of export goods, and having already exported products to foreign countries: the procedural dossiers for tax reimbursement shall be similar to those for case 1.6.2.1

1.6.2.3 For raw materials, supplies imported for performance of processing contracts(not supplied by foreign processes but imported by processor themselves for the performance of processing contract signed with foreign customers), when products are actually exported, they shall be considered for import tax reimbursement just like the raw materials and/or supplies imported for production of export goods. The procedural dossiers for import tax reimbursement shall include:

- The written request for reimbursement of import tax on raw materials, supplies imported for processing of export goods, clearly explaining goods items, volume and value of

imported raw materials, supplies: the paid imported tax amount; the exported product volume; the import tax amount requested for reimbursement;

- The list of actual consumption levels of import raw materials, supplies for the production of an export product unit;
- The goods declaration of imported raw materials, supplies; the import contract;
- Import tax payment vouchers;
- The declaration of export goods (in form of processing) already gone through customs procedure (the photocopy certified as true copy by the exporting enterprise);
- The processing contract signed with foreign customer, clearly specifying goods items, category, volume of raw materials and/or supplies imported by processor-enterprise;
- The via-bank payment vouchers for export goods lots;
- The contract on entrusted importing raw material, supplies (If it is in form of entrusted export, import).

1.6.2.4. For enterprises importing raw material, supplies for production of products then using these products for processing of export goods under processing contracts with foreign parties, the procurable dossiers shall be the same as case 1.6.1.2 above. Particularly:

- The contract on export of products shall be replaced by the contract on processing of export goods signed with the foreign customer; the contract on purchase of products to be used for the processing contract and the contract on processing of export products with the foreign customer can be expressed in one contract.

- The list of actual consumption levels of imported raw materials, supplies for production of products to be put into the production of the processed products and the actual consumption levels of raw materials for production of export products under the signed processing contract.

- The list of the products turned out by the enterprise, which were actually used for production of export goods, signed by the enterprise director who is answerable therefore before law.

1.6.2.5 For enterprises importing raw materials, supplies for production of products to be sold to other enterprises for direct production or processing of export goods after the export goods- manufacturing or –processing enterprise have actually exported the products, the enterprises importing raw materials and/or supplies shall be entitled to import tax reimbursement corresponding to the portions used by the other enterprises for the production of products which have been actual exported.

Where enterprises import raw materials, supplies for the production of products to be sold to other enterprises for direct export in complete component sets, they shall be reimbursed the import tax corresponding to the proportion of export products(component sets), providing that:

(i) Products turned out from exported raw materials, supplies by the enterprise constitute one of the details, components of export component sets;

(ii) The enterprise purchase products for combination with the details, components produced by the enterprises themselves in order to constitute the export component sets.

A dossier of requesting import tax reimbursement shall consist of:

- The written request for import tax reimbursement, clearly explaining the volume, value of the import raw materials, supplies for use in the production of goods sold to export goods-manufacturing enterprises; the volume of sold goods, the volume of exported products, the paid import tax amount; the import tax amount requested for reimbursement;

- The list of actual consumption levels of imported raw materials, supplies for production of a unit of a product sold to the enterprise manufacturing or processing export goods.

The import goods declaration of raw materials, supplies already gone through the customs procedures, the import contract,

- The tax notice, tax payment vouchers;

- The exporting enterprise's declaration of export goods with the customs office's certification of actual export (the photocopy certified as true copy by the exporting enterprise);

- The invoice on goods trading contract between two units;

- The goods trading contract between the importing enterprise and the export goods - manufacturing or –processing enterprise, clearly stating that such goods have been used for the production or processing of export goods(or for export in component sets); the vouchers on payment for goods purchase;

- The production or processing contract with the foreign customer (the photocopy certified as true copy by the enterprise);

- The product – exporting enterprise's declaration of volume and actual consumption levels of products purchased for direct production of an export product unit; the list of payment vouchers for the export goods lots with the foreign customers, signed and sealed by the exporting enterprise's director who is answerable to law for the accuracy of the declared data.

- The contract on the entrusted export, import (goods are exported, imported under entrustment).

1.6.2.6 Enterprises importing raw materials, supplies for production of products to be sold to other enterprises for direct export to foreign countries. After the enterprises which purchase products of manufacturing enterprises have exported products oversea, the enterprises importing raw materials, supplies shall be reimbursed the import tax corresponding to the volume of products actually exported.

A procedural dossier of request for import tax reimbursement shall consist of:

- The written request for import tax reimbursement, clearly explaining the volume, value of imported raw materials, supplies; the paid import tax amount, the volume of the product

already sold to the exporting enterprise ; the volume of the products already exported ; the import tax amount requested for reimbursement;

- The list of actual consumption levels of imported raw materials, supplies for the production of a unit of product sold to other enterprise for export;

- The import goods declaration of raw materials, supplies already gone through the customs procedures; the import contract;

- The tax notice; tax payment vouchers;

- The purchase and sale contract; invoices of the enterprise selling products to product – exporting enterprise; the list of vouchers on goods sale payment;

- The declaration of export goods already gone through the customs procedures (the photocopy certified as true copy by the exporting enterprise);

- The goods export contract signed with foreign customers (certified as true copy by the product-exporting enterprise);

- The via-bank payment vouchers for export goods lots;

- The entrust export contract; the entrusted import contract (if it is the entrusted export or import).

The tax reimbursement cases specified at Points 1.6.2.5 and 1.6.2.6 above shall be considered for reimbursement of import tax only on raw materials, supplies import for the production of export goods if the following conditions are fully met:

- the goods-selling enterprise, the goods - purchasing enterprise has paid value added tax by deduction method (the enterprises produce the photocopy certified as true copy by the enterprises); enterprises which have been registered and granted tax identification numbers must have invoices on goods trading between the two units.

- Via-bank payment for export goods in foreign currencies under Vietnam State Bank's regulations.

- Within 1 year at most (rounded to 365 days) from the time of importing raw materials, supplies (counting from the date of registering the import goods declarations with customs offices) to the time of actually exporting the products.

1.6.2.7. Case where enterprises import raw materials, supplies for production of goods sold to foreign traders but deliver goods to other enterprise in Vietnam under designation by the foreign traders for use as raw materials for continued production or processing of export goods shall comply with the guidance in Circular No.90/2002/TT-BTC of October 10, 2002 of the Finance Ministry.

1.6.3. Where raw materials and/or supplies are imported for production of export goods, if the products are actually exported within the tax payment duration as provided for Section III, Part C of this Circular, the import tax on raw materials, supplies shall not have to be paid, corresponding to the actually exported goods volume. The dossiers for consideration of non-

collection of tax shall be the same as those prescribed for tax reimbursement, except for the tax payment voucher to be replaced by the tax notice of the customs office.

1.6.4. Imported raw material, supplies consumption norms for considering the tax reimbursement:

1.6.4.1. Enterprises must themselves set, declare and register the consumption norms of imported raw materials and supplies for production of export goods with the customs offices where the raw materials and supplies are imported before exporting the products. In cases where the change of models, patterns, and/ or categories of export goods in the course of production gives rise to new kinds of imported raw materials and/ or supplies for production of export products at variance with the norms already declared and registered with the customs offices, within 15 days after obtaining the reasons for above- mentioned change, the enterprises must themselves re- declare and re-register the consumption norms of imported raw materials and/ or supplies for production of export goods with the customs offices before carrying out procedures for product export.

The raw material and/or supplies consumption levels cover the raw material and/or supplies wastage (if any) in the production course. The actual raw material and/ or supplies wastage level for import tax reimbursement consideration shall not exceed 3% of the value (or volume) of the corresponding raw materials and/ or supplies already used for production of export products. For a number of products for which competent State bodies prescribe the raw materials and /or supplies wastage levels higher than 3% such wastage levels shall apply and those competent State bodies shall bear responsibility before law for these wastage levels.

Particularly the consumption norms and wastage levels of raw materials and/ or supplies for goods processed for foreign traders shall be agreed upon in the contracts by the parties. The directors of the processor- enterprises shall be responsible for the use of imported raw materials and/ or supplies for the processing purposes.

In case of doubts about the raw material or supplies consumption norms for production of export products, the tax reimbursement – considering agencies may call for expertise by specialized branch agencies managing that goods items or coordinate with the local tax offices (where the enterprises declare their tax identification numbers) in organizing the inspection at the enterprises as basis for considering and approving the import tax reimbursement for enterprises. The General Department of Vietnam customs shall direct the local customs offices to coordinate with the local tax offices in organizing the inspection of the actual consumption levels of raw materials and supplies for production of export products relating to the settlement of import tax reimbursement.

1.6.4.2. In cases where one kind of raw material or supplies is imported for production but two or more different kinds of products are turned out (for example: wheat is imported for the production of wheat flour, but two products, wheat flour and wheat bran, are obtained; or condensate is imported for oil refinery but petrol and diesel oil are obtained ...) but only one kind of product is exported, the enterprises shall have to declare such to the customs offices. The reimbursable import tax amount shall be determined by distribution method according to the following formula

The	Export	The total
reimbursable	product	import

import tax	value		tax
amount	_____	x	on the
(corresponding			imported
to actually	The total		raw
exported	value of		materials,
products)	obtained		supplies
	products		

- The export product value shall be determined to be the volume of actually exported products multiplied by (x) the export unit price (FOB)

- The total value of obtained products shall be determined to the total value of export products and the sale turnover of the products (including also discarded materials, recoverable faulty products and exclusive of value added tax on the sale turnover) for domestic consumption.

1.7. For goods temporarily imported for re-export or temporarily exported for re-import, they shall be considered for reimbursement of import tax or export tax, and import tax must not be paid upon the re-import and the export tax must not be paid upon the re-export in the following cases:

1.7.1. Goods temporarily imported for re-export or temporarily exported for re-import by mode of trading in goods temporarily imported for re-export; temporarily exported for re-import and goods imported under entrustment for the foreign parties then exported. A tax reimbursement consideration dossier shall consist of:

- The written request for export tax, import tax reimbursement;
- The import and export goods declaration already gone through the customs procedures;
- The goods trading contract signed with the seller and the purchaser or the entrusted import contract signed with the foreign party;
- The tax invoice; tax payment vouchers;
- The export, import entrustment contract (if it is goods exported, imported under entrustment);
- Via-bank payment vouchers for export goods lots.

1.7.2. For import goods of Vietnamese enterprises, which are permitted to be imported for agents delivering or selling goods to foreign countries; goods imported for sale to foreign firms' means on international routes running through Vietnamese ports and Vietnamese means on international routes according to the Government's regulations, there must be:

- The written request for import tax reimbursement;
- The Trade Ministry's official dispatch permitting the import (for goods subject to the application for import permits of the Trade Ministry);
- The import goods declaration;
- The tax notice, tax payment vouchers;
- The sale invoice;
- The export goods declaration already gone through the customs procedures;
- The contract on goods forwarding agency and the contract or agreement on goods supply;
- The via-bank payment vouchers for export goods lots.

1.7.3. For import goods being drinks in service of international flights, a dossier shall consist of:

- The written request for import tax reimbursement;
- The Trade Ministry's official dispatch permitting the import (of goods items subject to the application for import permits of the Trade Ministry);
- The import goods declaration;
- The tax notice; tax payment vouchers;
- The bill on delivery and reception of drinks on international flights with certification by the airport border-gate-customs office.

1.7.4. Where the main enterprises import goods (for example: petrol and oil...) and are permitted to sell them to sea-going ship supply enterprises for sale to foreign ships, after the goods are sold to foreign ships, the importing enterprises are entitled for import tax reimbursement consideration. The import tax reimbursement consideration dossiers shall comply with the provisions of Point 1.7.2 above and be sent to the customs offices where procedures for import of goods lots were carried out. Apart from the above-mentioned papers, the enterprises must also have:

- Contracts, invoices on sale of goods to sea-going ship supply enterprises;
- The sea-going ship supply enterprise's declarations of the volume, value of goods purchased from the main importing enterprises, which have been actually supplied to foreign ships. The enterprise directors are answerable to law for such declarations.

1.7.5. Where goods are temporarily imported for re-export or goods temporarily exported for re-import, if being actually re-exported or re-imported within the tax payment time limit prescribed in Section III, Part C of this Circular, the import or export tax corresponding to the volume of goods actually re-exported or re-imported shall not have to be paid. The dossiers

on non-collection of tax reimbursement dossiers (particularly, the tax payment vouchers shall be replaced by the tax notices of the customs offices).

1.8. Goods which have already been exported but must be re-imported into Viet Nam for some reasons shall be entitled to reimbursement of the paid export tax and non-payment of import tax.

1.8.1. Conditions for being considered for reimbursement of the paid export tax and non-payment of import tax:

- Goods are actually re-imported into Viet Nam within one year (rounded to 365 days) after the actual export;

- Goods have not been gone through the process of production, processing, repair or use overseas;

- Goods re-imported into Viet Nam must go through the customs procedures carried out at places where export procedures were carried out for such goods.

1.8.2. A dossier for consideration of reimbursement of the paid export tax and non-payment of import tax shall consist of:

- The written request for reimbursement of the paid export tax and non-payment of import tax, clearly stating the reasons for re-import into Viet Nam and confirming that the goods have not gone through the process of production, processing, repair or use overseas;

- The notice of the foreign customer or agreement with the foreign customer on receiving back the goods, clearly stating the reasons therefore, the volume, categories of the returned goods;

- The export goods declaration and the dossier set of the export goods lot;

- The export tax payment vouchers;

- The re-imported goods declaration, clearly stating the export dossier set under which such goods were exported and the specific goods inspection result of the customs office certifying that the goods re-imported into Viet Nam are the enterprise's goods which were previously exported. In cases where the previously exported goods were entitled to exemption from actual goods inspection as they had to be based on the conclusions of the competent State bodies or the expertising organization as provided for by the Customs Law, the customs office shall compare the result of inspection of actually re-imported goods with the export goods lot dossier in order to certify whether or not the re-imported goods are actually the exported goods;

- Exported or imported goods payment vouchers;

- The contract on entrusted export or import (if goods are exported or imported under entrustment).

1.8.3. Where the export goods compulsorily re-imported into Viet Nam are still in the export tax payment duration prescribed in Section III, Part C of this Circular, the export tax

shall not be paid for the actually re-imported goods volume. The dossiers for consideration of non-collection of export tax, import tax shall the same as those prescribed for tax reimbursement consideration (particularly the tax payment vouchers shall be replaced by the tax notices of the customs offices).

1.8.4. Where the export goods are Vietnamese enterprises goods processed for foreign parties, that have been exempt from import tax on raw materials and/or supplies, must be re-imported into Viet Nam for repair, re-processing before they are re-exported to the foreign parties, the customs offices which manage and settle the initial processing contracts must continue the monitoring and management until the re-processed goods are fully exported and the re-processed goods imported declarations are liquidated. If the re-processed goods are not exported, they shall be handled as follows:

- If they are domestically consumed, the tax payment declaration must be made like the processed goods exported or imported on spot;

- If they are allowed for destruction in Viet Nam and the destruction has already been carried out under the supervision by the customs office, they shall be exempt from tax like the processing declared materials, defective products which are destroyed.

1.8.5. Where the export goods are those made from imported raw materials and/or supplies; good temporarily imported for re-export (which are entitled to tax reimbursement before the export), which must be re-imported into Viet Nam, the enterprises must retrospectively collect the first import tax amounts which were already reimbursed or shall not be considered for reimbursement of tax (if not yet reimbursed) corresponding to the volume of goods to be re-imported into Viet Nam are actually exported; the enterprises must declare and pay export tax (if being subject to export tax payment) and shall be considered for import tax reimbursement under the provisions of Points 1.6 and 1.7, Section I, Part E of this Circular.

1.9. Imported goods which, for some reasons, must be re-exported to foreign owners or re-exported to the third countries as designated by the foreign owners shall be considered for reimbursement of the paid import tax corresponding to the re-exported goods volume and for non-payment of export tax:

1.9.1. Conditions for being considered for reimbursement of the paid import tax and non-payment of export tax:

- Goods are re-exported to foreign countries within one year (rounded to 365 days) after the goods were actually imported;

- Goods have not yet gone through the process of production, processing, repair or use in Viet Nam;

- Goods re-exported to foreign countries must go through the customs procedures carried out at places where the import procedures were carried out for such goods.

1.9.2. The dossiers for consideration of paid import tax reimbursement and non-payment of export tax shall each consist of:

- The written request for consideration of import tax reimbursement and non-payment of export tax, clearly stating the reasons for re-export of goods to foreign owners (clearly identifying the volume, category, value... of the re-exported goods);

- The declaration of import goods already inspected by the customs office, clearly stating the volume, quality and category of the import good;

- The tax notice; tax payment vouchers;

- The written agreement on the return of goods to the foreign parties, clearly stating the reasons therefore, the volume, quality, category and origin of the goods lot;

- The export goods declaration clearly stating the goods inspection results and the customs office's certification of actual export clearly stating the volume, quality, category of export goods and the import dossier set under which the goods were exported and the accompanying vouchers of the export goods lot. Where the previously imported goods were entitled the exemption from actual goods inspection as they had to be based on the conclusions of the competent State bodies or the expertising organization under the Customs Law, the customs offices shall compare the actually exported goods inspection results with the import goods lot dossiers in order to certify whether or not the re-exported goods are the imported goods.

- The invoice cum ex-warehousing bill;

- The voucher on payment for the re-exported goods lot (excluding the case of on-payment yet);

Where import goods are incompatible with the contracts, there must be notices on the goods expertising results of agencies or organizations having the function and competence to expertise export, import goods. For the goods volumes sent by foreign parties for replacement of the re-exported goods volumes, the enterprises must declare and pay import tax there on according to regulations.

1.9.3. Where the to be re-exported goods are still in the import tax payment time limit prescribed in Section III, Part C of this Circular, the import tax must not be paid for re-exported goods volume. The dossiers for import tax non-collection consideration shall be the same as those for tax reimbursement consideration (particularly, the tax payment vouchers shall be replaced by the tax notices of the customs offices).

1.10. Where enterprises have exported goods but are, for some reasons, compelled to be re-import them into Vietnam (at Point 1.8) or have imported goods but are, for some reasons, compelled to re-export them to the goods owners or export them to the third countries (at Point 1.9) and carry the customs procedures at different places (not at the same border gate) which, however, all belong to a local Customs Department, they shall be considered for reimbursement of export tax (if any), non-payment of import tax for cases where exported goods must be re-imported or be considered for reimbursement of the paid import tax and non-payment of export tax for cases where imported goods must be re-exported.

1.11. For machinery, equipment, instruments, transport means of organizations and individuals that are permitted to temporarily import them for re-export (including those borrowed for re-export) for the execution of investment projects, works construction and

installation, in service of production and other purposes, when they are imported, such organizations and individuals must declare and pay import tax according to regulations and when they are re-exported out of Vietnam, such organizations and individuals shall be refunded the import tax. The to be – refunded import tax amounts shall be determined on the basis of the remaining use value of the re-exported machinery, equipment, instruments, transport means, calculated according to the duration they are used and kept in Vietnam, if their use value is actually reduced to non, tax shall be refunded. Concretely as follows:

1.11.1. In cases where imported goods are brand-new ones

Duration of being used and kept in Vietnam	To be – reimbursed import tax amount
For 6 months or less	90% of the paid import tax amount
Between over 6 months and 1 year	80% of the paid import tax amount
Between over 1 year and 2 years	70% of the paid import tax amount
Between over 2 years and 3 years	60% of the paid import tax amount
Between over 3 years and 5 years	50% of the paid import tax amount
Between over 5 years and 7 years	40% of the paid import tax amount
Over 7 years	Non-reimbursement of the paid import tax

1.11.2. In cases where the import goods are used goods:

Duration of being used and kept in Vietnam	To be – reimbursed import tax amount
For 6 months or less	60% of the paid import tax amount
Between over 6 months and 1 year	50% of the paid import tax amount
Between over 1 year and 2 years	40% of the paid import tax amount
Between over 2 years and 3 years	35% of the paid import tax amount
Over 5 years	Non-reimbursement of the paid import tax amount

1.11.3. Dossiers for import tax reimbursement consideration shall each consist of:

- The written request for import tax reimbursement consideration;
- The contract (or written agreement) on import, borrowing of machinery, equipment, instruments, transport means;
- The export, import goods declaration with liquidation and certification by the customs office of the volume, category of the actually imported or actually exported goods and the enclosed voucher sets of the export, import goods lot;
- The tax payment voucher, tax notice;

- The contract on entrusted export or import (for mode of entrusted export, entrusted import).

Where organizations and/or individuals import machinery, equipment, instruments, transport means beyond the temporary import time limit, have to re-export them, but have not yet re-exported them and are permitted by the Trade Ministry (or competent State agencies) for their transfer to other subjects in Vietnam for continued management and use, such transfer shall not be considered export, and the import tax shall not be refunded, the transferees or buyers must not pay the import tax. When they are actually re-exported out of Vietnam, the initial importers shall be refunded the import tax as provide for at this Point. When requesting the tax reimbursement consideration, apart from the dossiers prescribed above, organizations and individuals must add the following dossiers:

- The official dispatches of the Trade Ministry (or competent State agencies) permitting the transfer, reception of the temporarily imported machinery, equipment, instruments, transport means (in cases where they are required under the State's regulations);

The contracts on purchase and sale or records on hand-over and reception of machinery, equipment, instruments, transport means between the two parties;

- The invoices-cum-exwarehousing bills or sale invoices of importing organizations or individuals, which are handed over to the buyers or the transferees;

- The photocopies of the dossiers of the on-spot temporary import goods, certified as true copies by enterprises.

1.2. Where export, import goods are sent from organizations or individuals in Vietnam through postal services or mail delivery services and vice versa, the post enterprises which have paid tax shall be reimbursed the paid tax amounts in the cases mentioned in Joint Circular No. 01/2004/TTLT-BBCVT-BTC of May 25, 2004 of the Post and Telematics Ministry and the Finance Ministry guiding the responsibility; coordinative relationships in customs inspection and supervision over mails, postal matters; parcels which are exported or imported through postal services or mail delivery services.

The tax reimbursement consideration dossiers shall each consist of:

- The written request for tax reimbursement consideration;
- Dossiers and vouchers related to export, import goods;
- The export, import goods declaration and certification by the customs offices of the volume, category and value of the actually imported or exported goods;
- The tax payment voucher; tax invoice.

1.13. Organizations and individuals with goods exported and/or imported in violation of regulations in the customs domain (hereafter called violation goods for short), that have not yet carried out the customs procedures, have already paid export tax or import tax and other taxes (if any) and have their goods confiscated under decisions of competent State bodies, shall be refunded the paid export tax or import tax and other taxes (if any). The tax reimbursement dossiers shall each consist of:

- The written request for reimbursement of paid export tax, import tax, other tax;
- The export or import goods declaration liquidated by the customs offices;
- Vouchers of payment of export tax or import tax and other taxes (if any);
- Invoices under the goods trading contract;
- Violation – handling records;
- The competent State body's decision on confiscation of violation goods.

1.14. If export or import goods, which are still under the customs offices' supervision, and for which the declarations have been opened and tax notices have been issued but when conducting inspections for customs clearance, the customs offices detect violations, which must be destroyed and have already been destroyed, the decisions on non-collection of export tax, import tax (if any) shall be issued. The handling of violations regarding acts of exporting of importing goods in contravention of regulations, the forced destruction shall comply with current law provisions. The customs offices where import, export goods declarations are opened must archive dossiers on the destroyed goods; coordinate with relevant functional agencies in supervising the destruction strictly according to current law provisions.

1.15. the via- bank payment vouchers in the tax reimbursement (or non-collection) consideration dossiers shall comply with the guidance in the Finance Ministry's Circular No.120/2003/TT-BTC of December 12, 2003 as well as amending and/or supplementing documenting documents (if any). Particularly for re-exported petroleum, the payment currency must be the US dollar (USD).

2. The order for tax reimbursement settlement is as follows:

- For cases 1.1; 1.2; 1.3; 1.4; 1.5 and 1.13; Point 1, Section I, Part E of this Circular, the export/import goods inspection sections shall give certification and the tax calculation sections of the customs offices shall re-examine and carry out procedures for tax reimbursement. The local Customs Department shall consider and issue decisions on tax reimbursement. The to be – reimbursed import tax amount shall be subtracted from the reimbursement-eligible subjects' payable tax amounts of subsequent period. Where the tax amounts do not arise and they request the direct reimbursement, the local Customs Department shall propose the Finance Ministry (the State Budget Department to directly reimburse the tax amounts to the eligible subject under the local Customs Departments' tax reimbursement decisions.

- For the cases 1.6 (1.6.2.1, 1.6.2.3), 1.7, and 1.11, Point1, Section 1, Part I, Part E of this Circular, the customs offices may deposit the collected tax amounts into separate accounts of the local Customs Department at the Treasury. Upon receiving the eligible subjects' written requests for tax reimbursement, the local Customs Department shall base themselves on the prescribed dossiers to examine, consider and decide on the tax reimbursement (or non-collection) and effect the tax reimbursement for the eligible subjects from the above-said deposit accounts at the Treasury. For cases 1.6.2.2, 1.6.2.4, 1.6.2.5 and 1.6.2.6, the local Customs Departments shall base themselves on the prescribed dossiers to examine, consider and decide on tax reimbursement (or non- collection) and carry out procedures for reimbursement of import tax money according to current regulations of the Finance Ministry.

- For the cases 1.8 and 1.9, Point 1, Section I, Part E of this Circular, the local Customs Department shall base themselves on the prescribed dossiers to examine, consider and decide on tax reimbursement (or non-collection) for the subjects.

The local Customs Department shall monitor for making subtraction from the reimbursement-eligible subjects' payment tax amounts of the subsequent period. Where the to be – reimbursed tax amount is larger than the payable tax amount of the subsequent period of the tax reimbursement-eligible subject do not conduct export, import activities in the subsequent period, the local Customs Department shall propose the Finance Ministry (The State Budget Department) to directly reimburse tax to the eligible subjects under tax reimbursement decisions.

- Tax reimbursement procedures, dossiers and process applicable to case 1.12 shall comply with the guidance in the Finance Ministry's Circular No.68/2001/TT-BTC of August 24, 2001 and No.92/2002/TT-BTC of October 11, 2002, guiding the refund of collected amounts already remitted into the State budget.

When setting the tax reimbursement under tax reimbursement decisions, the local Customs Departments must liquidate the to be – reimbursed tax amount on each export, import goods declaration and clearly inscribe: "Tax reimbursement of ...VN dong, under Decision No..., day...month...year...of...".

In cases where the to be – reimbursed tax amounts shall be subtracted from the eligible subjects' payable tax amounts of the subsequent period, the export, import goods declarations must also be clearly inscribed with "the subtracted tax amount of ...VN dong, under tax reimbursement Decision No..., day...month...year ...of ...". At the same time, the to be-subtracted tax amounts and the serial number, date of the export, import goods declarations eligible for subtraction shall be inscribed on the originals of the tax reimbursement decisions of the customs offices for monitoring.

3. The time limit for dossier submission and the time limit for tax reimbursement consideration.

3.1. The dossier submission time limit:

Within 60 days at most as from the date of actual export (for cases where goods are raw materials, supplied imported for production of export goods and goods temporarily imported for re-export) or 60 days at most after the actual import (for case of temporary export re-import goods), the subjects eligible for export tax or import tax reimbursement consideration and settlement of tax reimbursement according to regulations.

Where the payment time limit inscribed in the export contracts are longer than 60 days as from the date of actual export of goods; the enterprises must commit in writing to produce the payment vouchers within 15 days after the expiry of the payment time limits inscribed in the contracts.

3.2. Tax reimbursement consideration time limit.

Within 30 days after receiving the complete dossiers of request for tax reimbursement as prescribed, the competent agencies shall have to sign decisions on tax reimbursement for the eligible subjects. In cases where the dossiers are incomplete or fail to comply with

regulations, within 5 days (working days) after receiving the dossiers of request for tax payment of the subjects eligible for tax reimbursement, the agencies competent to consider the tax reimbursement must reply in writing the tax reimbursement requests, clearly stating the reasons therefore.

II. RETROSPECTIVE COLLECTION OF EXPORT TAX, IMPORT TAX.

1. Cases where export tax, import tax must be retrospectively collected:

1.1. In cases where tax was exempt, temporarily exempt, reduced, refunded under the provisions of this Circular, if goods are used for purposes of exemption, temporary exemption, reduction or reimbursement, the tax amounts already exempted or reimbursed must be retrospectively collected in full, except for cases where competent State bodies permit the assignment with tax exemption, temporary exemption, reduction or reimbursement under the current regulations.

1.2. Where tax payers make mistakes in export goods or import goods declarations, tax must be collected retrospectively for one year counting back from the date of registering the export, import goods declaration to the date of detecting such mistakes in calculation, with correct declaration of goods appellations but wrong application codes of the tax table due to objective factors (such as tax policies change, are unclear, complicated classification of export, import goods,...).

1.3. In case of tax frauds or evasion, the evaded tax amounts and fines must be collected retrospectively for 5 years counting back from the date of detecting such tax frauds or evasion. All cases of tax frauds or evasion must be subject to retrospective tax collection (excluding two cases of retrospective collection mentioned in 1.1 and 1.2 above).

2. The bases for export or import tax calculation for retrospective collection shall be tax calculation prices, tax rates and the applicable exchange rates as prescribed at the time the competent State bodies permit the change of previous purposes of tax exemption, temporary exemption, reduction, reimbursement and now tax must be paid for case 1.1 and at the time of registering the previous export or import goods declarations for cases 1.2 and 1.3.

3. The time limit for tax arrear payment declaration is two days (working days) after the competent State bodies permit the change of tax exemption, temporary exemption, reduction of reimbursement purposes and now tax must be paid, for case 1.1, and after the detection of frauds mistakes, for case 1.2 or after the detection of tax frauds or evasion for case 1.3.

4. The time limit for tax payment is 10 days after the competent State bodies sign the decision on tax retrospective collection. If past the above-prescribed time limit, the tax payers still fail to pay tax, they shall be sanctioned for tax- related administrative violations according to the current regulations.

5. The agencies which detect tax mistakes, frauds, evasion (customs offices, tax offices) are competent to issue decisions to retrospectively collect tax for every specific case and send them to the tax payers.

G. COMPLAINTS AND VIOLATION HANDLING.

I. COMPLAINTS AND SETTLEMENT OF COMPLAINTS.

1. Organizations and individuals have the right to complain about competent State bodies' decisions related to export tax, import tax according to law provisions. The written complaints must clearly state the grounds and reasons for their complaints. Pending the settlement of their complaints, the complaints shall still have to pay the tax and fine amounts fully and on time according to the notices or handling decisions of the competent State bodies.

2. The order for settlement of complaints about export tax, import tax shall comply with the provisions of the December 2, 1998 Law on Complaints and Denunciations and the June 15, 2004 Law Amending and Supplementing a Number of Articles of the Law on Complaints and Denunciations.

3. The complaint-settling agencies at all levels may refuse to receive complaints of the cases where their complaints and notify the complaints of the cases where their complaints are made without reasons, with unclear reasons, or made beyond the prescribed levels.

4. Where complaints are not settled, the complain-settling agencies must clearly state the reasons therefore and notify in writing such to the complaints within the law-prescribed time limit.

5. The time limit and procedures for lodging complaints, settling complaints, and the competence for settling complaints shall comply with the provisions of legislation on complaints and other relevant law provisions.

II. HANDLING OF VIOLATIONS

Organizations and individuals committing violations related to export tax, import tax shall be handled according to the provisions of the Export Tax, Import Tax Law and the laws amending and supplementing a number of articles of the Export Tax, Import Tax Law; the Government's Decree No. 100/2004/ND-CP of February 25, 2005 prescribing the sanctioning of administrative violations in the tax domain and the implementation-guiding documents.

H. IMPLEMENTATION ORGANIZATION.

This Circular takes implementation effect 15 days after its publication in the Official Gazette. To annul the Finance Minister's Decision No. 164/2000/QD-BTC of October 10, 2000, Decision No. 198/2000/QD-BTC of December 11, 2000, Decision No 136/2001/QD-BTC of December 18, 2001, Decision No 136/2001/QD-BTC of December 18, 2001, Decision No 164/2001/QD-BTC of December 27, 2002, Decision No. 72/2003/QD-BTC of May 20, 2003, Decision No 80/2003/QD-BTC of June 9, 2003, Circulars No. 172/1998/TT-BTC of July 17, 1992; No.151/1999/TT-BTC of December 30, 1999; No.28/TC/TCT of July 17, 1992; No.08/2002/TT-BTC of January 23, 2002 and previous documents of the Finance Ministry and the General Department of Customs guiding the implementation of export tax, import tax, which are contrary to the guidance of this Circular.

The export, import, re-export (for temporary import for re-export), re-import (for temporary export for re-import) goods declarations which have been registered with the customs offices before the effective date of this Circular shall still comply with the previous regulations.

Any difficulties and problems arising in the course of implementing this Circular should be reported by organizations and individuals to the Finance Ministry for consideration and settlement.

For the Finance Minister

Vice Minister

TRUONG CHI TRUNG